City of Lafayette
City Council Regular Meeting

MINUTES

Lafayette Community Center – Manzanita Room
500 St. Mary's Road, Lafayette, California

November 24, 2008
7:00 p.m.

1. CALL TO ORDER

Mayor Anderson called the meeting to order at 7:00 p.m.

2. ROLL CALL

Present: Council Members: Mayor Anderson, Vice Mayor Tatzin, Councilmembers Andersson, Anduri and Federighi

Absent: None

Staff: Tracy Robinson, Administrative Services Director; Ann Merideth, Community Development Director; Niroop Srivatsa, Planning & Building Services Manager; Mala Subramanian, City Attorney; Joanne Robbins, City Clerk

3. PLEDGE OF ALLEGIANCE - led by Mayor Anderson.

4. ADOPTION OF AGENDA

ACTION: It was M/S/C (Tatzin/Federighi) to adopt the agenda. Vote: 5-0-0 (Ayes: Anderson, Tatzin, Andersson, Anduri, Federighi; Noes: None; Absent: None).

5. REPORT FROM CLOSED SESSION

6. PUBLIC COMMENTS

MARY LYNN MLYNEK, provided an update on traffic calming, stating their fundraising efforts amounted to $25,215.

7. PRESENTATIONS

A. Lafayette Youth Commission
Update on activities for 2008
Recommendation: Receive and file.

Phillip Moreau, Youth Commissioner, discussed the Commission's membership and mission, gave an update on activities and events for 2008 and statistics on attendance and revenues gained.

Mayor Anderson and Councilmembers thanked and recognized the Youth Commission for their work and for playing such a leadership role in the community.

8. OLD BUSINESS

A. Ordinance 579 repealing Chapter 56-4 of the Contra Costa County Code Entitled 'Solicitors and peddler" and adding Chapter 4-4 of the Lafayette Municipal Code Entitled "Solicitors, Peddlers and Canvassers"
Recommendation: At the request of the Crime Prevention Commission introduction of Ordinance 579 is being continued to January 12, 2009.

Mayor Anderson announced the Crime Prevention Commission has requested the introduction of the ordinance be continued to the January 12, 2009 meeting.

ACTION: It was M/S/C (Tatzin/Federighi) to continue introduction of Ordinance 579 to the January 8, 2009 meeting. Vote: 5-0-0 (Ayes: Anderson, Tatzin, Andersson, Anduri, Federighi; Noes: None; Absent: None).

9. STAFF REPORTS

A. Niroop Srivatsa, Planning & Building Services Manager
Association of Bay Area Governments (ABAG) Projections 2009: review of draft population, household and job projections for Lafayette.
Recommendation: Authorize staff to forward comments to ABAG.

Planning and Building Services Manager Niroop Srivatsa said every two years; ABAG prepares population, household and employment projections for the Bay Area. Over the last few years the City has reviewed Projections 2003, 2005 and 2007 and is now asked to review Projections 2009 has estimates to the year 2035. She said ABAG uses General Plan information as the basis for its projections, but more recently has added policy based methods of calculating future populations. In 2003, ABAG started assigning more population and households to urban centers and away from suburban communities and in 2005 the focus was growth around transit stations and high traffic corridors.

With the passage of AB 32 and SB 375, ABAG has arrived at a new way of presenting information. They have prepared two growth scenarios; 1) Scattered Success; and 2) Focused Future. They illustrate Scattered Success as a "business as usual" scenario where growth will continue where it was envisioned to continue in 2007. For Focused Future, additional emphasis is placed on the urban centers, as well as the urban counties of San Francisco, Santa Clara, San Mateo, and Alameda. She noted that Contra Costa County's Focused Future loses population; however, within the county those cities that have transit stations get more housing, more households and more jobs. East County loses population and jobs, as do Marin and Sonoma Counties, which do not have adequate transit facilities.

ABAG would like cities to look at the two scenarios and comment on them. They will take comments back, work on a draft scenario which will be released in early 2009. The

staff report focuses on growth projected for Lafayette, Orinda, Moraga, Walnut Creek and Pleasant Hill, and illustrates significant increases in employment and population for Pleasant Hill and Walnut Creek's in the Focused Future scenario. Lafayette and Orinda experience modest increases in population, households and jobs, and Moraga loses population.

Ms. Srivatsa noted the Council received a report on how ABAG arrived at the two scenarios. Staff attended a meeting where this information was presented to the planning managers of Contra Costa and she said the numbers are not as important as how the information was arrived at, the assumptions made and the definitions of the factors that were used.

She said some of the questions that staff has are - in order to achieve the results set by AB 32, what kind of assumptions were made in each of the factors that go toward reducing Lafayette's carbon footprint? In the case of infrastructure, what kinds of highway and transit projects were included? Does ABAG envision Marin and Sonoma having a decent amount of transit so that it could take on some additional population in 2035? ABAG indicated it did not because this would in fact worsen the carbon footprint by spreading the population across the nine Bay area counties.

Under land use, ABAG states land use is not enough to meet the standards set forth in AB 32, but staff would like to know what kind of role does land use plays in achieving the target. She noted that San Francisco, San Jose, Oakland, Walnut Creek, and Concord take on a substantially greater population and questioned what this does to highway systems, services and schools within those communities. Also, when ABAG prepared the scenarios, gas was slightly over $4 per gallon. Now, it is $1.97. ABAG used a high price per gallon of gasoline and the question is, what happens if that changes; what other things need to be done in order to meet targets set forth in AB 32. What is the definition of technology as a factor in reducing the carbon footprint? She said staff would like ABAG staff to focus on explanations to these questions.

Councilmember Anduri questioned if there were just plain errors in the numbers for Lafayette, stating that in looking the charts and differences in Scattered Success and Focused Future for populations and households, for every other jurisdiction in the list, the difference between population and households is multiplied between two and three times. He said Lafayette has an increase of 1,000 in population and 55 in households, which equals 20 people in each household. Ms. Srivatsa said she calculated it also and persons per household changes dramatically, which is unrealistic and probably an error, and this will be called to their attention.

Councilmember Andersson said he had similar questions such as, how much impact does land use have; he was not sure if it is 80% or 4%. He also could not tell from the report if the differences they are looking at between Scattered Success and Focused Future were attributed to just land use changes or were they mixed with different changes. Ms. Srivatsa said she believes it related to all changes, but staff would clarify this.

Vice Mayor Tatzin said the only caution he would voice is to be careful what the City asks for because of the differences between the two scenarios. He would be interested in understanding the underlying rationale and asked that the City ask ABAG to add roughly the number of housing units that exist in Lafayette. He noted that a statement is made that this goes beyond the timeline of the General Plan, which he interprets as meaning ignorance of the General Plan. And this raises the question of how to comment on the actual numbers as opposed to methodology.

Ms. Srivatsa said staff can comment on the numbers now, but the numbers in Projections 2009 do not differ from Projections 2007, and they were actually lower than Projections 2005 in Scattered Success. Regarding the rationale, she said Walnut Creek took exception to the number and voiced concern with how little Lafayette and Orinda were assigned.

Councilmember Federighi believed that there was no recognition at all for communities like Lafayette given its challenging topography. The assumption is that because Lafayette has a transit station it can take on significant additional population, and she did not believe people would walk from the hills down to the transit station. She said she was especially astounded in ABAG's reduced traffic delay statements; they show that Focused Future would decrease daily delay by 3.8 hours.

Mayor Anderson said ABAG runs a model with certain factors, Focused Future would be one way to push urbanization and this is reflected in how it is received. Councilmember Federighi voiced concern with Marin County and Moraga that have no transit stations and will lose population. Mayor Anderson said the model is the what the City must argue; the numbers will come from one of the two methodologies. Ms. Srivatsa agreed, and said ABAG has not chosen which scenario to utilize but indications are that they prefer Focused Future.

Councilmember Andersson said he believed that it may be that ABAG is not looking at traffic on a per capita basis but are assuming they are adding people near transit stations who will walk or drive short distances, leading to less average traffic delay. He referred to graphs which indicate targets and said most of them either head away from the target or make very modest improvements. He asked staff to clarify whether the adjustments are one segment and whether other things will get them to the target, or whether all targets are completely unrealistic given even the best scenario. Ms. Srivatsa said it begs the question, are the standards in AB 32 and SB 375 too ambitious, and if mandates are to be met, how cities are expected to meet them.

Public Comments:

MARK MITCHELL said in looking at the Housing Element, it will be a challenge to make the housing units work. He complimented the work of the City's planning staff that has been working on the Housing Element and reported recently touring the City with HCD representatives and how pleased everyone was with the way the City is trying to

accommodate ABAG numbers. The numbers he used were from the WRT report which showed housing of 1283 units going through to 2030. Staff indicated that in looking at undeveloped and under-utilized parcels in the City, we are able to accommodate 1,000 units, so he believed this would reach ABAG's levels. Interestingly, he said they were able to do this without 4-story buildings, but with General Plan amendments.

Councilmember Federighi said with Scattered Success, ABAG is talking about populations of 27,800 from a start of 25,000. The difference of 1,000 is the difference between Scattered Success and Focused Future, and she questioned if the Scattered Success was the WRT scenario. Councilmember Anduri believed that the housing numbers were close to WRT's scenario.

Ms. Srivatsa said the General Plan envisions 1,000 additional units in the City of Lafayette, of which 50% would be in the downtown and 50% through subdivision or vacant properties outside the downtown. She said what is seen is not far from what the General Plan envisions and it is not entirely in the downtown. What WRT came up with originally was about 1,000 units within the downtown, which does not account for other units around the city, and she did not believe the Downtown Committee has finalized those number as of yet.

Mayor Anderson said he thinks that the General Plan does provide enough units to carry the City into the year 2030. Ms. Srivatsa said the General Plan is a build-out plan and at that time, staff envisioned 10,868 units. But, this was in 2002 and the City has built units since then. So, the difference between Focused Future or Scattered Success and the General Plan is only a couple of hundred units, which is not significant.

Councilmember Anduri believed that one way to look at this is that the plan out to 2035 is calling for about 30 units per year.

Mayor Anderson noted there were no other public comments. He asked if there were additional comments from Councilmembers.

Councilmember Federighi added significant concern relating to infrastructure improvements such as buses and shuttles, and more was needed than just a transit station.

ACTION: It was M/S/C (Tatzin/Andersson) to authorize staff to forward comments to ABAG. Vote: 5-0-0 (Ayes: Anderson, Tatzin, Andersson, Anduri, Federighi; Noes: None; Absent: None).

10. PUBLIC HEARINGS

11. CONSENT CALENDAR

Items 11A and 11E were requested for removal from the Consent Calendar.

ACTION: It was M/S/C (Tatzin/Federighi) to approve Consent Calendar Items 11B, C and D. Vote: 5-0-0 (Ayes: Anderson, Tatzin, Andersson, Anduri, Federighi; Noes: None; Absent: None).

B. Recording of Shared Equity Transfer
Recommendation: Direct Mayor to execute the attached MOU on behalf of the City of Lafayette.

C. Letter of resignation from Suzanne Jones resigning from the Crime Prevention Commission effective December 31, 2009
Recommendation: Accept with regret and schedule recognition.

D. Happy Valley Road Pedestrian Path Reconstruction Project – Project Number 014-9667, Final Acceptance of Construction Contract
Recommendation: Accept the construction contract as complete and authorize staff to file a Notice of Completion for the Happy Valley Road Pedestrian Path Reconstruction Project, Project Number 014-9667.

Items Removed for Discussion:

A. City Council Minutes
November 10, 2008
Recommendation: Approve.

Councilmember Andersson referred to page 7, 3rd paragraph from the bottom, and asked that the paragraph be revised to read:

> "Councilmember Andersson said he believed the ordinance was overly broad without some kind of distinction that identifies people to be excluded based on some reasonable nexus to a safety issue, and he could not support it."

ACTION: It was M/S/C (Tatzin/Andersson) to approve the minutes of November 10, 2008, as amended. Vote: 4-0-0-1 (Ayes: Anderson, Anduri, Andersson, Federighi; Noes: None; Absent: None; Abstained: Tatzin).

Convene Redevelopment Project

ACTION: It was M/S/C (Tatzin/Andersson) to convene the Redevelopment Agency. Vote: 5-0-0 (Ayes: Anderson, Tatzin, Andersson, Anduri, Federighi; Noes: None; Absent: None).

E. Update on the Downtown Strategy project
Recommendation: Receive and file.

Community Development Director Ann Merideth reported that Vice Mayor Tatzin requested an update on the Strategy. She noted that the Strategy started in December of 2006, and Lafayette has received two grants related to the Downtown Strategy from

BAAQMD in December 2007 in the amount of $75,000, and ABAG/MTC in the amount of $150,000 toward environmental review of the Strategy, with an Agency match of $45,000.

Staff is working on a revised Housing Element which is required to be adopted by the State by June 2009, and it is important that both the Strategy and Housing Element work together in dealing with the same issues for consistency. The citizens' Advisory Committee took the draft goals and strategies of WRT and worked through those in coming up with a revised version, which were included in the staff report.

There have been questions regarding next steps, and an outline was presented in the staff report, as well as a schedule for the Housing Element. She said a final Strategy document will not be completed until 2010 due to environmental review, review by the Planning Commission and City Council.

Councilmember Federighi referred to the calendar and confirmed one community workshop was scheduled for January and one for February. She confirmed that the joint presentation has always been in the Scope of Work for WRT and this will consist of a public meeting or workshop. She also said she has attended two meetings which were very thorough but slow, and she questioned how meaningful comments could be received from the many stakeholders in a two-hour presentation if they have not followed the process very closely.

Ms. Merideth said the Committee has worked to understand what is the "downtown", what is needed for the downtown, and this was the bulk of the work of the Committee. She thought what will help is that when the draft plan is done, it will explain the concept in more detail and this will help people understand what is being proposed.

Mayor Anderson felt it was important to remember that when the Citizens Advisory Committee was formed, representation reflected various Commissions, two members of Council and the public to work as one group. He said ultimately, the City's Commissions will provide feedback on the draft plan.

Councilmember Federighi questioned why the compressed timeframe was occurring at this juncture and questioned whether it was due to BAAQMD's grant, which she felt could be further extended. Ms. Merideth disagreed the schedule was compressed, noted an extension was granted from the BAAQMD, and work has been moving along with the draft Housing Element which must be finalized for submission to the State in March, with final adoption by June. Also, the second grant will pay for a significant amount of the environmental review which is a public process and will take time and public hearings.

Councilmember Anduri confirmed with Ms. Merideth that WRT was preparing the draft Strategy now, that the Advisory Committee has reviewed the draft and the City Council will review it in January, with a public review and workshops.

Councilmember Anduri said the goal is for a final draft plan to be submitted to the BAAQMD in March 2009. He questioned what level of change could be done to the plan after March and during environmental review. Ms. Merideth said the point of environmental review is to take a project or plan, analyze it, look at alternatives, consider information and changes can be made. Councilmember Anduri confirmed that if changes were made, it would not necessarily trigger another environmental review.

Vice Mayor Tatzin said if the draft plan is available in mid-January, he asked to build in time for those Commissions that want to have all their members attend the joint presentation and then have staff as opposed to the consultants, facilitate meetings at the Commission level, let the Commissions make comments for incorporation, and then go back to the Committee prior to it coming to the City Council. Ms. Merideth noted that staff built in significant outreach time in January for review, and Vice Mayor Tatzin again asked that consideration be given to his suggestion.

Ms. Merideth said Committee members have been working with their Commissions all along and she believes they will continue to do this.

Councilmember Anduri felt it was important to receive the draft plan from WRT as early in January as possible. He commented that two Councilmembers have attended the meetings which were incredibly long and detailed, but he and Councilmember Federighi have not shared it with other Councilmembers. He voiced concern that this was also the case for Commission members. If so, he requested that the entire Planning Commission be able to review the plan in January, and believed that the schedule could still be met.

Councilmember Andersson noted there were various ranges of viewpoints expressed and discussed which he felt was a useful process, as more of the details were already worked through. He did not believe the same level of detail would necessarily be discussed by the Council and Commissions, and that staff would hopefully summarize pertinent items.

Public Comments:

MAEVE PESSIS, Lafayette Homeowners Council, voiced several serious concerns about the customary City approval process of the draft plan and said their homeowners council held an emergency meeting and submitted a letter to the City Council. She asked that the plan be submitted separately to each City Commission and the Environmental Task Force prior to any joint meeting or presentation to the City Council so that meaningful comments can be received, and she proposed a schedule to the City Council. She acknowledged funds were not allocated for individual Commission review; however, they believe the curtailed process pre-empts adequate Commission and public review and response.

Councilmember Andersson referred to Ms. Pessis' comments of a curtailed process, and Ms. Pessis said she believed information from the Committee was not taken by WRT and Commissions were not involved. Regarding curtailment, she felt there should

be a two- part process to public hearings so that information can be properly presented and digested.

Councilmember Andersson said Vice Mayor Tatzin's suggestion is that during the period between January and March, that there be time for the draft plan to go to individual Commissions. He questioned if this would address Ms. Pessis' concerns. Ms. Pessis discussed early work and review of the Committee and questioned whether or not there will be enough overlap time to properly arrive at the best plan.

BYRNE MATHISEN voiced concern about being able to comment on the substance of the plan and process which will have long-term consequences for the City. She said there has not been enough time to tie information together in the process, said two alternatives were presented with no economic analysis to compare them, believed more than two options should have been available for review and comment, and now there is a preferred concept without having been seen by anyone.

SUSAN CALLISTER, asked the Council to refer back to the LAC letter of April 20, 2008 and said after 6-7 months some of the same issues were present. She believed more options should be available, voiced frustration that the draft report has been so long in coming and that people have gone to meetings where there has been agendas and notes without anything in draft form to read. She asked that the schedule be changed and not to tie it to the grant deadlines. She also felt the first question should be whether a downtown specific plan is needed which should be addressed in the CEQA review. She also questioned whether federal requirements would affect the plan as noted in the staff report.

GEORGE BURTT, Acalanes Valley Homeowners Association, believes the plan will cause higher density, more traffic, more retail and he felt this meant that downtown Lafayette will be changed, and his association questions the need for this. He said the General Plan will be significantly amended, he believed people are afraid of changing the town and asked for a better process.

MARK MITCHELL said he is thrilled the City is going through this process, believed the General Plan update process is similar with much public input and a long and difficult process. He was not sure there needed to be a General Plan amendment, believes most concepts of the plan are consistent with the General Plan, knows there will be changes over time, but he sees there is a lot of latitude with the current General Plan. He said staff seems to be making a link between getting this project done and the Housing Element. He noted that during the General Plan process, they went through about 10 Housing Elements and he did not see this as necessary. He believed a Housing Element will be adopted in June one way or another, voiced similar concerns of Council and public speakers regarding being able to approve the plan in March and whether modifications could be made to the plan.

Mayor Anderson said he thinks the City has put together a process that addresses public hearings, but it has not been very well implemented thus far. He said the Citizens

Advisory Committee got together and decided to exclude WRT from the meeting and he believes feedback and input has been given to WRT about the failings of what has occurred thus far and what should be changed. In response, WRT is coming back with a draft plan in January. No one has seen it, but he thinks that until the draft plan is seen, it is difficult to understand whether WRT has responded or the Committee has been effective in directing the effort in a way that produces something we want and can better understand. He voiced concern that it might be early in making a judgment on the process, acknowledged that the process has been slow and painful but said everyone has the interest of the City in their hearts and he believed that until the draft is seen, it should not be judged.

Councilmember Andersson assumed that any draft plan can be changed. Regarding no one seeing the draft plan, he said it would be available in January and regarding change, he believed it was not a question about whether we want to see change--change happens and Lafayette is not the way it was 50 years ago.

Councilmember Federighi agreed, said many people like Lafayette the way it is, the City has and will continue to change over the next 30 years and she supported the suggestion of Vice Mayor Tatzin for the draft plan to be presented in January, that it go to the individual Commissions and then for the plan to be reviewed by the Council.

Councilmember Anduri observed that everyone has been operating in good faith in the process. He has no idea what changes will be seen in the plan and felt the Council should discuss what happens between the time the draft plan is released and March 23rd, which is the grant deadline. He questioned how linked the Housing Element and Strategy process were, believed that the proposal is that there will not be time for public testimony until October 2009 at workshops, then Commission meetings would occur, and confirmed with staff that there would be the ability for public comments to be taken. He suggested a day-long meeting on a Saturday, as he did not see where there would be enough allotted time for public testimony prior to the decision-making process.

Vice Mayor Tatzin said no one knows what will be in the draft plan and he suggested that for public dissemination, the month of January should be used aggressively. There is a community workshop scheduled which could include a discussion on the schedule. There will be opportunities for members of the public to attend many meetings. He likes the idea of dedicating an issue of the Vistas to the matter and believed the Council should participate in two meetings on the matter. Regardless of what the plan states, there will be opposition to it and the minority cannot drive the process.

Mayor Anderson requested an explanation on the connection with the Housing Element and the Strategy, and Ms. Merideth said in terms of ABAG numbers, both she and Ms. Srivatsa feel it is important that the Downtown Strategy and Housing Element are consistent regarding housing in the downtown. They believe it makes sense that they are tied to one another and consistent. She was not sure about the final numbers in the Housing Element as of yet and said questions can be addressed to get a better sense

of what numbers in both documents will be. She confirmed that there is some latitude and regardless, the Housing Element will proceed.

Councilmember Anduri voiced support for having both plans done at the same time and said his only concern is early review of the draft plan in January and enough opportunity for public comments, but believed there was time.

Councilmember Federighi questioned the timeframe the Housing Element covered as opposed to the Strategy, and Ms. Merideth said the element looks at a 30-year period.

Mayor Anderson said there is a strong desire for good public input into the process and he hoped the draft plan could be received in early January, have the Committee review it at a public meeting, a report could be submitted to the Council on comments, and dates can be scheduled for public review, workshops, and meetings. He suggested a detailed schedule be returned to the City Council at their December 8th meeting, confirmed that Councilmembers could attend any public meeting regarding the plan, but noted most would be long and detailed.

ACTION: The City Council Received public comment and directed staff to return item to the December 8, 2008 meeting.

Adjourn Redevelopment Agency

ACTION: It was M/S/C (Tatzin/Andersson) to adjourn the Redevelopment Agency. Vote: 5-0-0. (Ayes: Anderson, Tatzin, Andersson, Anduri, Federighi; Noes: None; Absent: None).

12. COUNCIL/COMMISSION REPORTS

A. Councilmember report on activities and consideration of matters a councilmember wishes to initiate for placement on a future agenda.

Councilmember Anduri confirmed that an item relating to the Arts Commission would return to the City Council on December 8, 2008, and that the Budget Goal-Setting Workshop would be scheduled the last part of January or early February.

B. Mayor Anderson and Councilmember Federighi

1. **Central Contra Costa Solid Waste Authority Rates for FY09/10, 10/11 and 11/12**

   Recommendation: Discuss and provide direction to Mayor Anderson and Councilmember Federighi.

Mayor Anderson reported that the City joined the Central Contra Costa Solid Waste Authority and designated that agency to manage Lafayette's solid waste and recycling Responsibilities. The City, working in conjunction with Agency staff, periodically reviews and sets rates to cover the cost of garbage and recycling pick up, fund other waste reduction programs, and reimburse the City for damage caused by the heavy fleet of

trucks. To this end, Lafayette's Agency Board Members (Anderson, Federighi) recently met with CCCSWA staff to discuss rates for FYO9/10, 10/11, and 11/12.

In order to meet City and agency objectives, the liaisons studied a variety of rate scenarios and propose an increase in collection rates. A study was conducted due to damage caused by garbage haulers on City streets which determined that damage was approximately $840,000 and franchise fees and general fees are proposed to be raised to recoup that cost.

If approved by the City Council, the rates noted in Table A, above will meet all hauler compensation requirements, result in a third-year projected reserve of $782,000, and deliver more than $800,000 annually to the City to be used for street repair projects associated with wear and tear caused by waste trucks. This will represent an increase of about $400,000 from the current $420,000 received by the City in franchise fees.

Councilmember Federighi said the City now collects franchise fees and a nexus is needed to be shown between a rate and fees and the cost of the damage of trucks. Therefore, all Contra Costa cities took part in the study and she believes this is a reasonable way to recoup damage caused by trucks. The fee gets charged to the haulers but it is passed onto ratepayers, and therefore, rates would be raised.

Councilmember Anduri confirmed with Ms. Robinson that the current franchise fee goes into the General Fund. City Attorney Subramanian said if the fees fall under Proposition 218, it would be restricted to the road fund.

Councilmember Anduri noted the impact is 27% higher over a three-year period and this was still within the middle of the range in terms of other communities. He confirmed Orinda was very high because homes were located in challenging hillside areas.

Councilmembers discussed proposed increases over the three year period, acceleration and inflation, and Mayor Anderson said fees can be reviewed in year four.

ACTION: It was M/S/C (Federighi/Tatzin) to return on December 8th Consent Calendar with the Solid Waste Authority rate study to increase rates for FY09/10, 10/11 and 11/12. Vote: 5-0-0. (Ayes: Anderson, Tatzin, Andersson, Anduri, Federighi; Noes: None; Absent: None).

2. **Central Contra Costa Solid Waste Authority requesting council review, comment and endorsement for CCCSWA seeking designation as a "regional agency"**
   Recommendation: Discuss and provide direction to Mayor Anderson and Councilmember Federighi.

Councilmember Federighi said the Solid Waste Authority's jurisdictions all must make separate reports regarding their diversion rates. Staff spent considerable time on data collection and the report. The recommendation by the CCCSWA staff is for the Council

be allowed to be a "regional agency" for reporting purposes only. This allows the Authority, while still collecting data on individual diversion rates for residential and commercial, to simplify AB 939 annual reporting to the CIWMB.

City Attorney Subramanian noted that a resolution and amendment to the agreement was not agendized, and staff would bring return these items to the next Consent Calendar item for adoption. She said the Council could; however, approve it by minute action tonight.

ACTION: It was M/S (Federighi/Tatzin) to endorse CCCSWA seeking designation as a "regional agency" and return item to the December 8th consent calendar for approval. Vote 5-0.

C. Councilmembers Anduri and Federighi
Appoint two new members to the Senior Services Commission
Recommendation: Adopt Resolution 2008-048 appointing two new members to the Senior Services Commission

Councilmember Anduri reported that the candidates interviewed were great, he wished he more members could be appointed and said the recommendation is to appoint Judy Carney and Warren Heffelfinger to the Senior Services Commission.

ACTION: It was M/S/C (Anduri/Federighi) to adopt Resolution 2008-048 appointing Judy Carney and Warren Heffelfinger to the Senior Services Commission. Vote: 5-0-0 (Ayes: Anderson, Tatzin, Andersson, Anduri, Federighi; Noes: None; Absent: None).

13. WRITTEN COMMUNICATIONS

14. ADJOURNMENT

The City Council adjourned at 9:05 p.m. to the next regular meeting on December 8, 2008.

APPROVED:

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Mike Anderson, Mayor

ATTEST:

_____
Joanne Robbins, City Clerk